

Docket No. 60,426-614 (2003P04688US)

REMARKS

Claims 20-40 remain in the application including independent claims 20 and 38. Claims 29-37 have been cancelled. New dependent claims 41 and 42 have been added.

Applicant confirms the election of Group I, Claims 20-28 and 38-40 drawn to a seat belt force measuring device.

Claims 20-28 and 38-40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the parent application, i.e. U.S. 6,595,545. If necessary, a terminal disclaimer will be submitted once final resolution with regard to the claims is achieved.

Claims 20-21, 25-26 and 38-40 stand rejected under 35 U.S.C. 102(b) as being anticipated by Blakesley. The examiner has provided two (2) Blakesley references but has not identified which Blakesley reference has been applied to the claims. In a telephone conversation conducted on August 11, 2004, the examiner indicated that U.S. Patent No. 6,209,915 (Blakesley '915) had been applied against the claims.

Applicant claims priority to U.S. Provisional Application Serial No. 60/203,778, which has a filing date of May 12, 2000. Blakesley '915 issued on April 3, 2001, which is subsequent to applicant's priority date. Further, Blakesley '915 has a filing date of May 18, 2000, which is also subsequent to applicant's priority date. Blakesley '915 is a continuation-in-part application of 09/441,350 (now U.S. Patent No. 6,231,076 (Blakesley '076)), which was filed on November 15, 1999. Thus, only the information set forth in the original parent application (Blakesley '076) has the benefit of the November 15, 1999 filing date. Any new information in the continuation-in-part application (Blakesley '915) only has the benefit of the May 18, 2000 filing date.

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The examiner argues that Blakesley '915 discloses a rigid member 14 having a first end supporting a seat belt and a second end attached to a vehicle structure. The examiner further argues that Blakesley '915 discloses electrical connector wires mounted on the rigid member, citing column 4, line 65. This information is only found in Blakesley '915 and is not found in the parent application Blakesley '076. In fact, element 14 in Blakesley '076 is a seat back, not a rigid member as argued by the examiner. Further, Blakesley '076 makes no reference to any type of seat belt sensor.

Thus, the substance of the examiner's argument can only be afforded the benefit of the May 18, 2000 filing date of Blakesley '915. As this date is subsequent to applicant's priority date of May 12, 2000, Blakesley '915 cannot be applied to applicant's claims under 35 U.S.C. 102(b) or 102(e).

Claims 22-24 and 27-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blakesley '915. For the reasons set forth above, Blakesley '915 is not prior art to applicant's invention.

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. It is believed that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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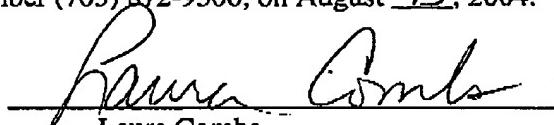
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on August 13, 2004.

  
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Laura Combs